

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/550,036 Confirmation No.: 8075
Applicant : Paul Douglas
Title : JAW CRUSHER
Filed : September 21, 2005
Docket No. : 7881.18
Customer No. : 21999

PETITION UNDER 37 C.F.R. 1.47(a) REGARDING NONSIGNING INVENTOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Petition is filed pursuant to 37 C.F.R. 1.47(a). Paul Douglas (“Douglas”), the inventor named in the above-identified patent application, has been presented with a copy of the complete application papers and has refused to execute the application. Enclosed is a signed “Witness Statement” (which has been averred as being truthful) by Mr. William McLean Orr, the European attorney of Extec Screens & Crushes Limited (“Extec”), the assignee of this patent application. Also enclosed is a “Witness Statement” (which has been averred as being truthful) by Ian Frazer English who is the Chief Legal Counsel and Company Secretary to Extec.

The Orr Statement shows proof of the pertinent facts that a complete copy of the application papers has been presented to the nonsigning inventor Douglas with a clear request to sign and return the papers. A first letter dated September 15, 2005 (Enclosure A) was sent to Douglas forwarding assignment and declaration documents to be signed and returned, and no response was made. A second letter dated November 14, 2006 (Enclosure B) was sent to Douglas forwarding declaration and assignment documents to be signed and returned, and again no response was made. This letter was delivered November 16, 2006, as shown on the acknowledgement of receipt provided as Enclosure C. Finally, a letter dated November 28, 2006 (Enclosure D) was sent to Douglas forwarding a full copy of the text, claims, and drawings comprising the PCT application upon which this U.S. patent application is based and containing

a request to sign and return the declaration and assignment forms. This letter was delivered on December 1, 2006, as shown on the acknowledgement of receipt provided as Enclosure E.

As established by the English Statement, Douglas clearly has a legal duty (under UK patent law) as well as a contractual duty to sign the application papers. However, "Douglas is being totally non-cooperative, and refusing to sign any forms."

The last known address for Paul Douglas is as follows:

17 Woodville Road
Hatrshorne, Derbyshire, DE11 7ET
United Kingdom

The Petition fee set forth in 37 C.F.R. 1.17(g) is enclosed.

Applicant respectfully submits that the nonsigning inventor has been presented with a copy of the complete application papers and has refused to execute the application in accordance with the requirements of 37 CFR 1.47(a) and MPEP § 409.03(d). Applicant respectfully requests that this Petition be Granted.

Respectfully submitted,

/Evan R. Witt/

Evan R. Witt
Reg. No. 32,512
Attorney for Applicant

Date: February 7, 2007

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: 801/328-3600

U:\Clients\7881 UDL\7881.18 (1512.2.154)\Petition nonsigning inventor.doc

IN THE MATTER OF US PATENT
APPLICATIONS BASED ON
INTERNATIONAL PATENT
APPLICATIONS NAMING EXTEC
SCREENS & CRUSHERS LIMITED
AS APPLICANT AND PAUL
DOUGLAS AS INVENTOR OR
CO-INVENTOR

WITNESS STATEMENT

I, William McLean Orr, European and Chartered Patent Attorney, of Urquhart-Dykes & Lord LLP, and Patent Attorney to Extec Screens & Crushers Limited, do hereby declare as follows:

1. This declaration is made in connection with 4 U.S. patent applications which have been filed, based on International Patent Applications made in the name of Extec Screens & Crushers Limited, and naming Paul Douglas as inventor or co-inventor. The details of the 4 cases are set out below:

(i) U.S. Application Serial No. 10/525,558 based on International Patent Application No. PCT/GB2003/002855;

(ii) U.S. Application Serial No. 10/550,036 based on International Patent Application No. PCT/GB2004/001185;

(iii) U.S. Application Serial No. 10/550,035 based on International Patent Application No. PCT/GB2004/01183;

(iv) U.S. Application Serial No. 11/568,305 based on International Patent Application No. PCT/GB2005/001411.

2. I have represented Extec Screens & Crushers Limited, and predecessor Extec companies, for in excess of fifteen years.

3. The 4 United States patent applications identified in paragraph 1 name Paul Douglas as inventor or as co-inventor, and have been derived from International patent applications made in the name of Extec Screens & Crushers Limited as applicant, and also naming Paul Douglas as inventor or as co-inventor.

5 4. I was responsible for the preparation of the specifications filed with the International patent applications, and which were duly reviewed by the inventor prior to the filing of the International applications, on which the present United States application is based.

10 5. I have made repeated requests in writing to inventor Douglas, to his personal address at 17 Woodville Road, Hartshorne, Derbyshire, DE11 7ET, United Kingdom, forwarding inventor declaration and assignment forms, and none have been returned to me.

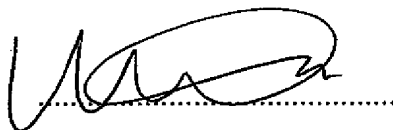
15 6. In connection specifically with U.S. application No. 10/550,036, (on which there is an extended deadline expiring February 9, 2007 within which to file inventor declaration), I first sent forms to inventor Douglas by letter dated September 15, 2005, of which copies are attached as enclosure A. No response was made to this letter.

7. Subsequently, by letter sent recorded delivery on November 14, 2006, further request was made for inventor Douglas to sign the forms, which again received no response. Copies are attached as enclosure B, together with acknowledgement of receipt as enclosure C.

20 8. Finally, by letter dated November 28, 2006, also sent by registered post, I sent copies of 3 PCT applications referred to in the letter of November 14, 2006, (of which PCT/GB2004/001185 is the basis of US application 10/550,036, and full copy of the text, claims and drawings of which were forwarded with the letter of November 28, 2006)). Copy of this letter is attached as enclosure D. Proof of delivery of letter of November 28,
25 2006 to Paul Douglas is attached as enclosure E.

I believe that the facts stated in this Witness Statement are true.

I also hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such
5 wilful false statements may jeopardize the validity of the application or any patent issued thereon.

A handwritten signature in black ink, appearing to read 'William McLean Orr', written over a horizontal dotted line.

William McLean Orr

dated February 7, 2007

ENCLOSURE A

15 September 2005

Mr Paul Douglas
17 Woodville Road
Hartshorne
Derbyshire
DE11 7ET

ENCLOSURE A

Your ref:

Our ref: WMO/SL/P200424US

Dear Paul

**Re: New US Patent Application based on PCT/GB2004/001185
Crusher With Endless Track Wear Plates
in the name Extec Screens & Crushers Limited**

Extec has instructed us to file national patent in the United States to protect this invention which you made, and which names you as sole inventor.

There are two sets of forms which require your signature please, and then return to us as soon as possible in the enclosed envelope.

Yours sincerely

**W M ORR
for Urquhart-Dykes & Lord LLP**

udl

Intellectual property

Urquhart-Dykes & Lord LLP
Tower North Central
Merrion Way
Leeds
GB-LS2 8PA

T +44 (0)113 245 2388

F +44 (0)113 243 0446

E email@udl.co.uk

W www.udl.co.uk

ASSIGNMENT OF APPLICATION

Docket Number (Optional)

1512.2.154

I, Paul Douglas, whose residence and post office address is as stated below next to my name, hereafter referred to as applicant, have invented certain new and useful improvements in JAW CRUSHER

for which a PCT International Application designating the United States was filed on 18 March 2004 as PCT/GB2004/001185

Whereas, Extec Screens and Crushers Limited a corporation of the United Kingdom herein referred to "assignee" whose mailing address is Hearthcote Road, Swadlincote, Derbyshire DE11 9DU, United Kingdom, is desirous of acquiring the entire right, title and interest in the same;

Now, therefore, in consideration of the sum of one dollars (\$1.00), the receipt whereof is acknowledged, and other good and valuable consideration, I, the applicant, by these presents do sell, assign and transfer unto said assignee the full and exclusive right to the said invention in the United States and the entire right, title and interest in and to any and all Patents which may be granted therefore in the United States, I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Patent to said assignee, of the entire right, title, and interest in and to the same, for his sole use and benefit; and for the use and benefit of his legal representatives, to the full end of the term for which said Patent may be granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.

Executed this ____ day of _____, 2005, at _____
(month) (place)

Paul Douglas
Hearthcote Lane, Swadlincote
Derbyshire, DE11 9DU
Great Britain

DECLARATION AND POWER OF ATTORNEY FOR UTILITY PATENT APPLICATION <input type="checkbox"/> Declaration Submitted With Initial Filing OR <input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)	Attorney Docket Number	1512.2.154
	First Named Inventor	Paul Douglas
	COMPLETE IF KNOWN	
	Application Number	
	Filing Date	
	Group Art Unit	
	Examiner Name	

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

JAW CRUSHER

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) March 18, 2004 as United States Application Number or PCT International Application Number PCT/GB2004/001185 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Country	Priority Not Claimed	Certified Copy Attached?	
					YES	NO
GB0306491.2	Great Britain	21 March 2003		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

DECLARATION — Utility or Design Patent Application

I hereby appoint:

☒ Practitioners associated with the Customer Number:

21552

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Direct all correspondence to:

☒ The address
associated with
Customer Number

21552

OR

☐ Correspondence address below

Name

Address

City

State

ZIP

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name

(first and middle [if any]) Paul

Family Name or Surname

Douglas

Inventor's
Signature

Date

Residence: City
Derbyshire

State

Country
United
Kingdom

Citizenship
United Kingdom

Mailing Address
Hearthcote Lane, Swadlincote

City
Derbyshire

State

Zip
DE11 9DU

Country
United Kingdom

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name

(first and middle [if any])

Family Name or Surname

Inventor's
Signature

Date

Residence: City

State

Country

Citizenship

Mailing Address

City

State

Zip

Country

☐ Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

ENCLOSURE B

Received

14 November 2006
RECORDED DELIVERY

16/Nov.



Intellectual property

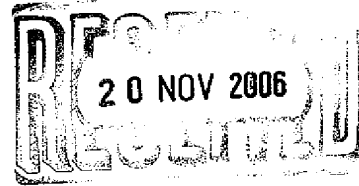
Urquhart-Dykes & Lord LLP
Tower North Central
Merrion Way
Leeds
GB-LS2 8PA

T +44 (0)113 245 2388
F +44 (0)113 243 0446
E email@udi.co.uk
W www.udi.co.uk

Mr Paul Douglas
17 Woodville Road
Hartshorne
Derbyshire
DE11 7ET

ENCLOSURE B

Your ref:
Our ref: WMO/SL/P200452US



Dear Paul

Re: **US Patent Applications Naming Paul Douglas
As Inventor Or Co-inventor**

**PLEASE SEE ATTACHED SECOND COPY FOR
YOU TO SIGN AND RETURN TO US**

As you will know, Extec has instructed us to apply for a number of US patent applications, in which you have been named as inventor or co-inventor. These cases relate to the time when you were an executive officer of the company, and specifically in charge of technical development of new products.

By virtue of your contract of employment, and the nature of your employment, it is fully settled UK employment law that all inventions made by you during the course of your employment are the property of your employer, namely Extec Screens & Crushers Limited.

Furthermore, as part of your termination agreement when you left employment of Extec, you clearly undertook to cooperate with Extec in signing any inventor forms which may be required.

We have sent numerous sets of forms to you for signature, plus many reminders, but none of these have been returned to us completed. We have informed the US Patent Office of your non-cooperation, but they are insisting that we give you every opportunity to sign in your capacity as named inventor, and we are therefore required to ask you yet again whether you will cooperate with us on this matter.

I am therefore now forwarding three further sets of inventor declaration and assignment forms, in respect of the following three cases listed below:

1. Crusher Slew Feeder - New US Patent Application based on International application No. PCT/GB2005/001411;
2. Mobile 3-part Crusher Assembly - US Application Serial No. 10/525,581; and
3. Crusher With Endless Track Wear Plates - US Application Serial No. 10/550,036.

If you remain unwilling to cooperate, I will be obliged to continue to seek your cooperation, and no doubt send many more reminder letters and additional sets of forms. To avoid you being troubled with all of this, if you remain of the view that you will not cooperate, perhaps you could kindly indicate as such on an additional copy of this letter, on which I have typed

out as an additional clause, your indication of unwillingness to cooperate in the matter, and a place for you to sign and date, and then to return to us. If this is done, then I will not need to trouble you any further, and I believe this will be sufficient for the purposes of the US Patent Office.

Kind regards

Yours sincerely

W M ORR
for Urquhart-Dykes & Lord LLP

I, Paul Douglas confirm having received this letter, and that I am not willing to sign the inventor declaration and assignment forms naming me as inventor on the three cases identified above.

.....
Paul Douglas

.....
Date

ASSIGNMENT OF APPLICATION

Docket: 7881.10

We, Paul Douglas and Terence Bratton, whose residence and post office addresses are as stated below next to our names, hereafter referred to as applicants, have invented certain new and useful improvements in CRUSHER APPARATUS, for which an international application designating the United States was filed on April 12, 2005 and assigned serial number PCT/GB2005/001411.

Whereas, Extec Screens & Crushers Limited a corporation of Great Britain herein referred to "assignee" whose mailing address is Hearthcote Road, Swadlincote, Derbyshire DE11 9DU, Great Britain, is desirous of acquiring the entire right, title and interest in the same;

Now, therefore, in consideration of the sum of one dollar (\$1.00), the receipt whereof is acknowledged, and other good and valuable consideration, we, the applicants, by these presents do sell, assign and transfer unto said assignee the full and exclusive right to the said invention in the United States and the entire right, title and interest in and to any and all Patents which may be granted therefor in the United States, We hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Patent to said assignee, of the entire right, title, and interest in and to the same, for his sole use and benefit; and for the use and benefit of his legal representatives, to the full end of the term for which said Patent may be granted, as fully and entirely as the same would have been held by us had this assignment and sale not been made.

Executed this ____ day of _____, 2006, at _____
(city, state)

Paul Douglas
17 Woodville Road, Harshorne
Derbyshire DE11 7ET
Great Britain

Terence Bratton
7 The Willows, Sion Mills
Co. Tyrone BT82 9FQ
Great Britain

DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION <input type="checkbox"/> Declaration Submitted With Initial Filing OR <input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)	Attorney Docket Number	7881.10
	First Named Inventor	Paul Douglas
	COMPLETE IF KNOWN	
	Application Number	
	Filing Date	
	Group Art Unit	
	Examiner Name	

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CRUSHER APPARATUS

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 04/12/2005 as United States Application Number or PCT International

Application Number PCT/GB2005/001411 and was amended on (if applicable).
(MM/DD/YYYY)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY) Country	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
0408594.0	GB	04/16/2004	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

DECLARATION — Utility or Design Patent Application

I hereby appoint:

21999

☒ Practitioners associated with the Customer Number:

OR

☐ Practitioner(s) named below:

Name	Registration Number
Evan R. Witt	32.512

as my attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Direct all correspondence to:

☒ The address associated with Customer Number

21999

OR

☐ Correspondence address below

Name

Address

City

State

ZIP

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name

(first and middle [if any])

Paul

Family Name or Surname

Douglas

Inventor's
Signature

Date

Residence: City

Derbyshire

State

Country

Great Britain

Citizenship

Great Britain

Mailing Address

17 Woodville Road, Harshorne

City

Derbyshire

State

Zip

DE11 7ET

Country

Great Britain

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name

(first and middle [if any])

Terence

Family Name or Surname

Bratton

Inventor's
Signature

Date

Residence: City

Tyrone

State

Country

Great Britain

Citizenship

Great Britain

Mailing Address

7 The Willows, Sion Mills

City

Co. Tyrone

State

Zip

BT82 9FQ

Country

Great Britain

☐ Additional inventors or a legal representative are being named on the ___ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

DECLARATION AND POWER OF ATTORNEY FOR UTILITY PATENT APPLICATION <input type="checkbox"/> Declaration Submitted With Initial Filing OR <input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)	Attorney Docket Number	1512.2.154
	First Named Inventor	Paul Douglas
	COMPLETE IF KNOWN	
	Application Number	
	Filing Date	
	Group Art Unit	
	Examiner Name	

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

JAW CRUSHER

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) March 18, 2004 as United States Application Number or PCT International Application Number PCT/GB2004/001185 and was amended on (if applicable) (MM/DD/YYYY)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Country	Priority Not Claimed	Certified Copy Attached?	
					YES	NO
GB0306491.2	Great Britain	21 March 2003		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

ASSIGNMENT OF APPLICATION

Docket Number (Optional)

1512.2.154

I, Paul Douglas, whose residence and post office address is as stated below next to my name, hereafter referred to as applicant, have invented certain new and useful improvements in JAW CRUSHER

for which a PCT International Application designating the United States was filed on 18 March 2004 as PCT/GB2004/001185

Whereas, Extec Screens and Crushers Limited a corporation of the United Kingdom herein referred to "assignee" whose mailing address is Hearthcote Road, Swadlincote, Derbyshire DE11 9DU, United Kingdom, is desirous of acquiring the entire right, title and interest in the same;

Now, therefore, in consideration of the sum of one dollars (\$1.00), the receipt whereof is acknowledged, and other good and valuable consideration, I, the applicant, by these presents do sell, assign and transfer unto said assignee the full and exclusive right to the said invention in the United States and the entire right, title and interest in and to any and all Patents which may be granted therefore in the United States, I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Patent to said assignee, of the entire right, title, and interest in and to the same, for his sole use and benefit; and for the use and benefit of his legal representatives, to the full end of the term for which said Patent may be granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.

Executed this ____ day of _____, 2005, at _____.
(month) (place)

Paul Douglas
Hearthcote Lane, Swadlincote
Derbyshire, DE11 9DU
Great Britain

ASSIGNMENT OF APPLICATION

Docket: 7881.10

We, Paul Douglas and Terence Bratton, whose residence and post office addresses are as stated below next to our names, hereafter referred to as applicants, have invented certain new and useful improvements in CRUSHER APPARATUS, for which an international application designating the United States was filed on April 12, 2005 and assigned serial number PCT/GB2005/001411.

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Now, therefore, in consideration of the sum of one dollar (\$1.00), the receipt whereof is acknowledged, and other good and valuable consideration, we, the applicants, by these presents do sell, assign and transfer unto said assignee the full and exclusive right to the said invention in the United States and the entire right, title and interest in and to any and all Patents which may be granted therefor in the United States, We hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Patent to said assignee, of the entire right, title, and interest in and to the same, for his sole use and benefit; and for the use and benefit of his legal representatives, to the full end of the term for which said Patent may be granted, as fully and entirely as the same would have been held by us had this assignment and sale not been made.

Executed this ____ day of _____, 2006, at _____
(city, state)

Paul Douglas
17 Woodville Road, Harshorne
Derbyshire DE11 7ET
Great Britain

Terence Bratton
7 The Willows, Sion Mills
Co. Tyrone BT82 9FQ
Great Britain

DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION <input type="checkbox"/> Declaration Submitted With Initial Filing OR <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)	Attorney Docket Number	7881.10
	First Named Inventor	Paul Douglas
	COMPLETE IF KNOWN	
	Application Number	11/568,305
	Filing Date	October 25, 2006
	Group Art Unit	
	Examiner Name	

I hereby declare that:

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I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CRUSHER APPARATUS

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 04/12/2005 as United States Application Number or PCT International Application Number PCT/GB05/01411 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Country	Priority Not Claimed	Certified Copy Attached?	
					YES	NO
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☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

DECLARATION — Utility or Design Patent Application

I hereby appoint:

21999

☒ Practitioners associated with the Customer Number:

OR

☐ Practitioner(s) named below:

Name	Registration Number
Evan R. Witt	32,512

as my attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Direct all correspondence to:

☒ The address associated with Customer Number

21999

OR

☐ Correspondence address below

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name

(first and middle [if any]) Paul

Family Name or Surname

Douglas

Inventor's Signature

Date

Residence: City

Derbyshire

State

Country

Great Britain

Citizenship

Great Britain

Mailing Address

17 Woodville Road, Harshorne

City

Derbyshire

State

Zip

DE11 7ET

Country

Great Britain

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name

(first and middle [if any]) Terence

Family Name or Surname

Bratton

Inventor's Signature

Date

Residence: City

Tyrone

State

Country

Great Britain

Citizenship

Great Britain

Mailing Address

7 The Willows, Sion Mills

City

Co. Tyrone

State

Zip

BT82 9FQ

Country

Great Britain

☐

Additional inventors or a legal representative are being named on the supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

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28 November 2006

Registered Post

Mr Paul Douglas
17 Woodville Road
Hartshorne
Derbyshire
DE11 7ET

Urquhart-Dykes & Lord LLP
Tower North Central
Merrion Way
Leeds
GB-LS2 8PA

T +44 (0)113 245 2388
F +44 (0)113 243 0446
E email@udl.co.uk
W www.udl.co.uk

Your ref:

Our ref: WMO/MPW/P200452US

Enclosure D

Dear Paul

Re: US Patent Applications Naming Paul Douglas as Inventor or Co-inventor

I enclose a further copy of my letter of 14 November 2006, and would ask you please to sign this letter on page 2 and return to me as soon as possible. This signature is required by the US Patent Office, to confirm that you are not willing to sign the inventor Declaration and Assignment forms, and if you would please do this, I will not need to trouble you any further.

I am also obliged by the US Patent Office to forward copies to you of the three basic PCT cases on which the US filings were made, and therefore these are also forwarded herewith for your information. These are the cases "Crusher Slew Feeder", "Mobile 3-Part Crusher Assembly" and "Crusher with Endless Track Wear Plates", which were filed when you were still an employee of Extec, and on which Extec have instructed me to file corresponding US patents.

Yours sincerely

W M ORR

for Urquhart-Dykes & Lord LLP

Enc.

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IN THE MATTER OF US PATENT
APPLICATIONS BASED ON
INTERNATIONAL PATENT
APPLICATIONS NAMING EXTEC
SCREENS & CRUSHERS LIMITED
AS APPLICANT AND PAUL
DOUGLAS AS INVENTOR OR
CO-INVENTOR

WITNESS STATEMENT

10 I, Ian Frazier English, Solicitor, Chief Legal Counsel and Company Secretary to Extec
Screens & Crushers Limited, do hereby declare as follows:

1. This declaration is made in connection with 4 U.S. patent applications which have
been filed, based on International Patent Applications made in the name of Extec Screens
& Crushers Limited, and naming Paul Douglas as inventor or co-inventor. The details of
15 the 4 cases are set out below:

(i) U.S. Application Serial No. 10/525,558 based on International Patent
Application No. PCT/GB2003/002855;

(ii) U.S. Application Serial No. 10/550,036 based on International Patent
Application No. PCT/GB2004/001185;

20 (iii) U.S. Application Serial No. 10/550,035 based on International Patent
Application No. PCT/GB2004/01183;

(iv) U.S. Application Serial No. 11/568,305 based on International Patent
Application No. PCT/GB2005/001411.

2. I have been employed by Extec Screens & Crushers Limited since its formation in
25 March 2003, and prior to that was an employee of its predecessor company, Extec
Industries PLC, since April 2002. Such companies will be referred to hereinafter as Extec.

3. I have prime responsibility for managing the I.P. matters of Extec, and for providing instructions to the external firm of UK patent attorneys, Urquhart-Dykes & Lord LLP, via European and Chartered Patent Attorney William M. Orr, who has represented Extec for in excess of fifteen years.

5 4. The 4 United States patent applications referred to in paragraph 1 name Paul Douglas as inventor or co-inventor, and have been derived from International patent applications made in the name of Extec Screens & Crushers Limited as applicant, and also naming Paul Douglas as inventor or co-inventor.

10 5. At the time when the International patent applications were filed, inventor Douglas was employed in the research and development department of Extec, and as such has been named as inventor and co-inventor in many patent applications filed in name of Extec Screens & Crushers Limited, and its predecessor company. During his employment, inventor Douglas has willingly signed assignment and patent forms necessary, in connection mainly with filing of Canadian and U.S. patent applications.

15 6. In addition to his active involvement in research and development, inventor Paul Douglas also had executive responsibility in Extec as Technical Director, and also Managing Director.

20 7. It is well settled UK patent law, relating to employee inventions, that all rights of ownership of any patented inventions developed during and in the course of employment shall belong to the employer, when the inventor employment was such that I.P. rights would be generated as a direct result of such employment.

25 8. Inventor Douglas is no longer employed by Extec Screens & Crushers Limited, and also no longer has any financial interest in the company. Although inventor Douglas would be obliged under UK patent law to cooperate with Extec, subsequent to leaving the company, in connection with providing signature to assignment and other forms, there is additionally an undertaking in writing given by him dated August 2005, as part of a

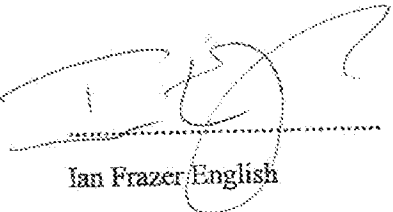
termination agreement, which also gives a clear undertaking by him personally to complete any necessary patent forms after leaving the company.

9. Despite repeated requests in writing to inventor Douglas, to his personal address at 17 Woodville Road, Hartshorne, Derbyshire, DE11 7ET, United Kingdom, inventor
5 Douglas is being totally non-cooperative, and refusing to sign any forms. Such forms have been sent to inventor Douglas for signature, both while he was still employed by Extec, and subsequent to his leaving the company.

10. Our attorney, William Orr, has also corresponded with inventor Douglas, asking him to sign the inventor forms, as will be confirmed by separate Witness Statement.

10 I believe that the facts stated in this Witness Statement are true.

I also hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such
15 wilful false statements may jeopardize the validity of the application or any patent issued thereon.


Ian Frazer English

dated

6th February 2007